



IN REPLY REFER TO:

3809  
U-77761  
(UT-023)

# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Salt Lake Field Office  
2370 South 2300 West  
Salt Lake City, Utah 84119

RECEIVED  
JUL 26 2004

DIV. OF OIL, GAS & MINING

JUL 22 2004

Certified Mail Number 7004 0550 0001 4471 8996  
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### DECISION

Mr. Lon Thomas	:	43 CFR 3809
Star Stone Quarries, Inc.	:	Surface Management
4040 South 300 West	:	Notice of Noncompliance and
Salt Lake City, UT 84107	:	Suspension of Operations Rescinded

Notice of Noncompliance and Suspension of Operations Rescinded for Dumping Hydraulic Oil onto Public Lands, for Burning Trash and Debris, for the Unauthorized Containment and Disposal of Human Wastes, and for Failure to Comply with Your Submitted Plan of Operations and Stipulations

On May, 2001, this office approved your Plan of Operations (Plan) to conduct quarrying and stockpiling operations on your White and Sage Green quarries located on the Rosebud #1 and #2 placer mining claims (UMC 354975-354976). Both quarries are located in the W $\frac{1}{2}$  of Section 14, T. 10 N., R. 16 W.

On March 25, 2004, an inspection of your operation was conducted by this office. During this inspection, it was revealed that you had been burning household trash and containers of unknown liquid in a fire pit adjacent to a worker's trailer. You had also placed two containers of yellow liquid, possibly urine, adjacent to the trailer. In addition, a 55 gallon barrel of hydraulic fluid was found to be leaking its contents onto the topsoil stockpile. Also located within the topsoil stockpile area, was a full 55 gallon barrel of hydraulic fluid and a 55 gallon barrel of 15W-40 weight motor oil that had been tipped over and were laying on their side.

In your submitted Plan, you stated that you would contain all "Deleterious Material", including fuel and barrels of motor oil and hydraulic fluids within the confines of a 600 gallon "retention tank." It is obvious that you had not complied with this portion of your submitted Plan.

Your activities related to the leaking of hydraulic oil onto the ground, the burning of trash and debris adjacent to the trailer, the misplacement of the barrel of hydraulic fluid and motor oil and the possible storage and dumping of human waste adjacent to the Sage Green Quarry were determined to be causing unnecessary or undue degradation to Public Lands. On April 16, 2004,

this office issued you a Notice of Noncompliance for your unauthorized activities on the Rosebud #1 and Rosebud #2 placer mining claims. Because this office had issued you a previous Notice of Noncompliance for similar unauthorized activities on April 4, 2001, this office suspended your Plan of Operations for the Rosebud quarry areas, effective April 16, 2004.

In order to remove yourself from Noncompliance status and be able to resume mining and milling activities on the Rosebud placer mining claims, you were required to conduct the following activities: 1) hire a third-party contractor to excavate all of the soil that has been affected in any way by the hydraulic oil spill and dispose of it in an appropriate waste facility or land fill, not on Public Lands; 2) completely remove any human waste that had been dumped or spilled onto Public Lands or was contained in the containers adjacent to the travel trailer; and 3) move the full 55 gallon barrel of hydraulic fluid and the full 55 gallon barrel of motor oil completely from the mine site.

On June 4, 2004, this office received a letter from Star Stone Quarries, Inc., stating that the hydraulic oil spill had been cleaned up. On June 29, 2004, a follow-up inspection of the Rosebud claim area was conducted by this office. This inspection revealed that all of our requirements to resolve the Notice of Noncompliance had been met. This letter is intended to notify you that your Notice of Noncompliance is hereby rescinded. You may now continue your mining operations in the Rosebud #1 and Rosebud #2 placer mining claim area, as authorized in your Plan of Operations.

Please be advised that any future use or handling of "Deleterious Material" at the mine site must be contained within a 600 gallon retention tank as stated in your Plan of Operations and Plan approval. In addition, you are not authorized to burn trash on the mine site. Any trash or other wastes must be regularly removed from the quarry areas and disposed of in an authorized disposal facility, not on Public Land. You must maintain the site free of trash and refuse at all times during operations and at the termination of project activities. No hazardous materials (other than those listed in your Plan of Operations) shall be stored on site. No hazardous materials of any kind shall be disposed of on-site. During active operations, the operator is required to place a portable chemical toilet at the mine site and/or in the seasonal camp to handle human wastes. The portable chemical toilet must be regularly maintained and the contents of which shall not be allowed to overflow or be discharged onto or be buried on Public Lands. The operator is not authorized to erect a pit toilet, outhouse, or any other structure for use in handling this human waste. If chemical toilets are present within either or both of the two temporary trailers at the seasonal camp, all human wastes must be disposed of properly, and not be allowed to overflow or be discharged onto or be buried on Public Lands.

An appeal from this decision may be taken to the State Director, Utah State Office, BLM, in accordance with the provisions in Title 43 of the Code of Federal Regulations (CFR) Subpart 3809.4. If an appeal is taken, the notice of appeal must be filed in this office at 2370 South, 2300 West, Salt Lake City, Utah, 84119 within thirty (30) days from receipt of this decision.

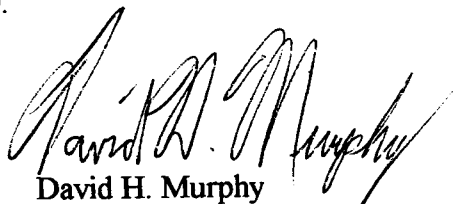
Do not send the notice of appeal to the State Director. The appeal and the case history will be sent to the State Director from this office. The appeal to the State Director must contain: 1) the

name and mailing address of the appellant; 2) when applicable, the name of the mining claim(s) and serial number(s) assigned to the mining claim(s) recorded pursuant to Section 3833 of this title which are subject to appeal; and 3) a statement of reasons for appeal and any arguments the appellant wishes to present which would justify reversal or modification of the decision. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations.

During the appeal to the State Director, all decisions from which the appeal is taken shall be effective during the pendency of the appeal.

If no appeal is taken, this decision constitutes final administrative action of this Department, as it affects the mining claim(s). No appeal, protest, or petition for reconsideration will be entertained from this decision after the appeal period has expired.

If you have any questions, or require additional information, please feel free to contact Michael Ford of my staff at (801) 977-4360.



David H. Murphy  
Associate Field Manager

cc: D. Wayne Hedberg  
Division of Oil, Gas and Mining

Utah State Office (UT-93513)